IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15781 of 2004

Between:

M. Siva Reddy, S/o. Pulla Reddy,
S.E.S.S.N Murthy Polytechnic,

Sharadanagar, Khammam.

..... PETITIONER

AND

1 The Commissioner/Director of Technical Education,

Burgula Ramakrishna Rao Bhavan, Hyderabad.
2 The All India Council for Technical Education,

Rep. by its Chairman, Indira Gandhi Sports Complex,

I.P. Estate, New Delhi 110 002.
3 The S.E.S.S.N Murthy Polytechnic,

Rep. by its Secretary and Correspondent,
Sharadanagar, Khammam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ order or direction mostly one which is in the nature of a Writ of MANDAMUS declaring the inaction of the Respondents 1 & 2 in taking appropriate action against the 3rd Respondent for non implementation of AICTE pay scales 1996 to the teaching staff working in the 3rd Respondent college as illegal, irregular, arbitrary, unconstitutional, unreasonable, unjustified and unsustainable directing the 3rd respondent to

forthwith implement AICTE pay scales 1996 by payment to the teaching staff working in the 3rd Respondent college and pass such other order or orders.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondents: GP FOR EDUCATION

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.15781 OF 2004

ORDER:

The petitioner is working as an Associate Lecturer in the third respondent-Polytechnic. The petitioner filed W.P.No.2852 of 1996 along with two others seeking payment of appropriate pay-scales in pursuance of G.O.Ms.No.948 LEN & Te., Department dated 23-12-1982. When the Writ petition was dismissed on 09-07-1996, the petitioner and others filed W.A.No.821 of 1997 contending that the said G.O. is applicable to the private unaided polytechnics also, and that the management of the third respondent polytechnic is not giving the pay-scales prescribed under the said G.O. A Division Bench of this Court disposed of the said writ appeal permitting them to withdraw the writ petition itself by giving liberty to file a fresh writ petition. Therefore, the petitioner and two others filed W.P.No.20237 of 1997 before this Court seeking a declaration that G.O.Ms.No.948 LEN & Te., dated 23-12-1982 is applicable to the teaching staff working in Private Un-aided polytechnics in the State and the said writ petition is still pending.

2 . The petitioner submits that the All India Council for Technical Education (AICTE) is established by an Act of Parliament for proper planning and co-ordinative development regulation and maintenance of the norms and standards in the technical education system through out the country. The second respondent prescribed the pay-scales based on the recommendations of the Central Pay Commissions. The scales prescribed by the All India Council were made applicable for all the polytechnics in the Country. The Government is providing the scales prescribed by the AICTE for the teaching staff working

in Government Polytechnics in the State. The first respondent by memo No.E1-3/3967/96 dated 31-12-1996 directed the Regional Joint Directors of Technical Education in the State to raise the issue relating to grievances of pay-scales, service conditions and other issues of staff working in private Engineering Colleges and Polytechnics. The Regional Joint Directors were instructed to strictly monitor the conditions under, which the AICTE approval is accorded to each institution. The third respondent college is approved by the AICTE i.e., the second respondent. The second respondent issued a notification on 30-12-1999 revising the pay-scales and associated terms and conditions of service of teachers giving effect to those scales with effect from 01-01-1996. The first respondent through a memo dated 17-03-2004 directed all the self-financing (Private un-aided) institutions in the State to implement the AICTE pay-scales of 1986 for the teachers working in their polytechnics without any further delay. Since the third respondent did not implement the scales recommended by the second respondent, the petitioners submitted a representation on 31-07-2004 to respondents 1 and 2 to issue necessary instructions to the third respondent for implementation of the above pay-scales to the teaching staff working in the third respondent college.

3. The grievance of the petitioner is that there were no further specific instructions to the third respondent for the implementation of those scales, therefore, the petitioner approached this Court through this writ petition seeking a direction to respondents 1 and 2 to prevail on the third respondent to implement the pay-scales.

4. The learned counsel for the first respondent represented that the second respondent is the proper authority to issue necessary instructions to the third respondent and to get the scales implemented.

5. In the light of the above circumstances the second respondent is directed to take appropriate steps against the third respondent for the implementation of the scales, which came into force from 01-01-1996 according to the existing Rules.

6. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

02nd September, 2004

SKM

To

1 The Commissioner/Director of Technical Education,

Burgula Ramakrishna Rao Bhavan, Hyderabad.

2 The All India Council for Technical Education,

Rep. by its Chairman, Indira Gandhi Sports Complex,

I.P. Estate, New Delhi 110 002.

3 The S.E.S.S.N Murthy Polytechnic,

Rep. by its Secretary and Correspondent,
Sharadanagar, Khammam.

4 Two CCs to Government Pleader for Education,

High Court Buildings, Hyderabad. (OUT)

5 Two CD copies.